

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1537.00  
**COMPLAINT INVESTIGATOR:** Karyn Romer  
**DATE OF COMPLAINT:** February 28, 2000  
**DATE OF REPORT:** March 21, 2000  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** May 8, 2000

**COMPLAINT ISSUES:**

Whether the LaPorte Community School Corporation and the South LaPorte Special Education Cooperative violated:

- 511 IAC 7-10-2 with regard to the school's alleged failure to conduct an educational evaluation and convene a case conference committee within forty instructional days of the date of the parent's written consent.

**FINDINGS OF FACT:**

1. The student (the "Student") is eight years old and is currently in a multi-age general education classroom for second and third grade students at the school (the "School").
2. On November 17, 1999 the complainant (the "Complainant") wrote a note to the Student's teacher (the "Teacher") stating the following:

"I'm under the impression that [Student's name] may have some type of learning disability, possibly dyslexia. Any information you have on getting him tested would be helpful."  
[parent's signature]

The Complainant asked the Student to give the note to the Teacher; however, the Student laid it on a counter in the room.
3. Upon discovering the note several days later, the Teacher contacted the Complainant. The Complainant informed the Teacher verbally that she would like the Student tested. The Teacher presented the Student's information to the building-based team (the "BBT") on December 15, 1999 and explained to the BBT that the Complainant wanted the student evaluated for learning disabilities. The paperwork for the referral to the special education cooperative (the "Cooperative") was initiated that same day.
4. The referral was sent from the School to the Cooperative through school mail on December 16, 1999; however, the Cooperative did not receive the referral. According to the Director, the Cooperative's procedures to submit a referral for evaluation from a local school within the Cooperative is as follows:
  - a. The building principal or designee sends the BBT referral to the Cooperative recommending an evaluation;

- b. The Cooperative sends a referral packet back to the school generally within 48 hours of receipt of the referral, which includes several forms to be completed by the parent(s), including a permission form for evaluation and a Parent Rights booklet;
  - c. Upon completion of the forms, the local school submits the forms to the school psychologist assigned to that building to schedule the testing; and
  - d. The school psychologist notifies the building principal (or designee) when the testing has been completed to arrange the case conference committee meeting.
5. On February 2, 2000, the building administrator (the "Administrator") realized that they had not received the packet of information back from the Cooperative which includes "Form F, health sheet, parent information sheet and the Parent Rights booklet and is usually sent from the Cooperative upon receipt of an initial referral. When the Administrator checked the status of the referral, she was told that the referral had not been received by the Cooperative. The Administrator resubmitted the referral information. The Complainant signed the *Parent Permission for Multi-Disciplinary Educational Evaluation* on February 15, 2000 and the evaluation is in process.

#### **CONCLUSION:**

Finding of Fact #2 indicates that the Complainant requested information from the Student's teacher about having the Student tested for possible learning disabilities on November 17, 1999. Findings of Fact #3 through #5 indicate that the School submitted a referral to the Cooperative for an initial evaluation on December 16, 1999 which was not received by the Cooperative. The referral was resubmitted to the Cooperative on February 2, 2000. The Complainant signed permission for the initial evaluation on February 15, 2000; and, the evaluation is in process. Since the educational evaluation was not initiated when the Complainant submitted the written request on November 17, 1999 or after the school submitted a written referral to the Cooperative on December 16, 1999, a violation of 511 IAC 7-10-3 occurred.

#### **DISCUSSION:**

A parent is not expected to know nor is a parent required to know who the "designated individual" is in the school corporation or the special education planning district who is to receive the parent's referral for an educational evaluation of a student. A parent may reasonably rely upon an assumption that certain school officials have apparent or inherent authority to receive such referrals from parents. A parent's lack of knowledge of the school's internal procedures for processing a referral for an evaluation may not be used to delay the process. (See Complaint #803.93) A previous complaint found that the forty instructional day time period began when the principal received a signed letter from the parent requesting an evaluation and not three weeks later when the special education office received the referral from the principal. (See Complaint #1030.96)

**The Department of Education, Division of Special Education requires corrective action based on the Findings of Fact and Conclusions listed above.**

#### **CORRECTIVE ACTION:**

The LaPorte Community School Corporation and the South LaPorte Special Education Cooperative shall:

1. In-service all appropriate general education and special education staff regarding the procedures for initiating an educational evaluation for special education services in accordance with 511 IAC 7-10-3. The in-service must include procedures for initiation of an educational evaluation by parent request and prevention of significant delays with the building-based team referral system. Documentation that the in-service training has been completed must be submitted to the Division by April 28, 2000 and should include the following: a list or agenda of all issues discussed, copies of any handouts that were distributed, and a list of attendees by name and title.
2. When the case conference committee (the "CCC") convenes to review the evaluation and determine eligibility for the Student, the CCC must also consider the need for compensatory services for the Student if the Student is determined eligible for special education services. A copy of the CCC *Summary Report and IEP* (if applicable) must be submitted to the Division by April 28, 2000.
3. Develop a "tracking system" between the local school buildings and the Cooperative for the initiation of referrals for evaluation to ensure that a time delay does not occur after a referral has been sent from the local school to the Cooperative. Documentation of compliance must be submitted to the Division by April 28, 2000.